

REMARKS

Initially, in the Office Action dated April 7, 2004, the Examiner objects to the title because it is not descriptive. Claims 1-13 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,693,652 (Barrus et al.).

Claims 1-13 remain pending in the present application.

Specification Objection

The Examiner indicates that the title of the invention is not descriptive and has required and suggested a new title. Applicant has incorporated the Examiner's suggestion for a new title. Accordingly, Applicant respectfully requests that this objection be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-13 have been rejected under 35 U.S.C. §102(e) as being anticipated by Barrus et al. Applicant respectfully traverses these rejections.

Barrus et al. discloses a multimedia message system that automatically generates visual representations (thumbnails) of message or media objects and references (links) between media objects; nest messages within themselves; and automatically updates generated thumbnails. An object including a thumbnail image of the objects contents and a link to the original content, is created in response to simple user inputs or commands. A link or reference to the original object from which the image was formed is also generated. The system retrieves and displays information referenced by an object and shown by the thumbnail image corresponding to the object, and automatically updates the thumbnail images

representing an object anytime the underlying object or information from which the image has been generated has been modified.

Regarding claims 1 and 11-13, Applicant submits that Barrus et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, accessing a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient, forming, in accordance with the reception data, a notification message containing information that the media content is available to be streamed to the at least one addressed recipient, or outputting the notification message for transmission to the at least one addressed recipient. The Examiner asserts that Barrus et al. discloses accessing a database comprising recipient data describing multimedia reception capabilities at col. 14, lines 1-43, col. 21, lines 1-8, and col. 27, lines 32-44. However, these portions of Barrus et al. merely disclose that electronic documents can be displayed upon cubes in a three-dimensional environment, the creation of a two-dimensional reduced size thumbnail image superimposed upon a three-dimensional cube, that devices can be computers, phones, fax machines and PDAs and all devices include the capabilities of the system, and various modifications of the Barrus et al. invention. These portions of Barrus et al. do not disclose or suggest a database comprising recipient data describing multimedia reception capabilities and/or reception preferences for at least one recipient, as recited in the claims of the present application. These portions of Barrus et al. do not disclose or suggest anything related to a database, or multimedia reception capabilities and/or reception

preferences. These portions of Barrus et al. merely provide description for the thumbnail representation of media objects, as discussed previously.

Moreover, Barrus et al. does not disclose or suggest a notification message containing information that media content is available to be streamed, as recited in the claims of the present application. The limitations in the claims of the present application are related to streaming video data and the use of a notification (see page 22, last paragraph in Applicant's specification, and see details on streaming on page 4). Using a notification, according to the present invention, is beneficial in order to establish a practically working streaming session without the need to download the entire message (for example to a mobile terminal) before it can be presented (see page 5). In contrast, Barrus et al. is merely directed to automatic generation of visual representations such as thumbnails to represent messages or media objects and references (links) between the media objects. Barrus et al. does not disclose or suggest forming a notification message, or a notification message containing information that media content is available to be streamed, as recited in the claims of the present application. The portions of Barrus et al. cited by the Examiner do not disclose or suggest these limitations in the claims of the present application. In addition, Barrus et al. does not disclose or suggest outputting the notification message for transmission to at least one addressed recipient. As noted previously, the concept of a notification message is neither disclosed nor suggested by Barrus et al.

Regarding claims 2-10, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted regarding this independent claim. For example, Applicant submits that Barrus et al. does not disclose or suggest where the network entity is a multimedia messaging relay, or where a streaming session is established in order to stream at least some of the media content to the at least one recipient, or where the notification message provides a minimum amount of information necessary for the at least one addressed recipient to establish a streaming session with the network entity.

Accordingly, Applicant submits that Barrus et al. does not disclose or suggest the limitations in the combination of each of claims 1-13 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-13 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/990,359

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No.

01-2135 (referencing attorney docket no. 1154.40898X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 312-6600